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OFFICE OF PETITIONS

In re Application of	:	
Tal Kafri et al.	:	
Application No. 10/721,563	:	DECISION ON PETITION
Filed: November 25, 2003	:	UNDER 37 C.F.R. §1.10(c)
Attorney Docket No. 9435-2	:	
Title: SINGLE LTR LENTIVIRUS	:	
VECTOR	:	

This is a decision on the petition under 37 C.F.R. §1.10(c), submitted on March 22, 2004, requesting that the application be accorded a filing date of November 25, 2003.

Shortly after November 25, 2003, the above-identified application was received in the Office. On March 10, 2004, the Office of Initial Patent Examination (OIPE) then mailed a Notice to File Corrected Application Papers (notice), indicating that replacement drawings would be required. The notice indicated that the application had been accorded a filing date of November 26, 2003.

In response, on March 22, 2004, applicants filed the present petition. Petitioners have replacement drawings and have included a copy of the Express Mail Label having a number of EV318418626US¹. Applicants request that the application be accorded a filing date of November 25, 2003.

¹ The Utility Patent Application Transmittal sheet has been located in the electronic file, and it is noted that it contains this same Express Mail label number.

Petitioner has alleged that the application was deposited on November 25, 2003, and the Patent Office has incorrectly assigned a filing date of November 26, 2003 to the instant application.

Regarding the Express Mail label, it is noted that the label contains a "date-in" of November 25, 2003. A check of the Office's USPS Express Mail Finder Database computer program was inconclusive. A check of the United States Postal Service's website (<http://www.usps.com/shipping/trackandconfirm.htm>) has shown that the package was accepted on November 25, 2003. A print-out of this latter search result has been enclosed.

Although the application received a filing date of November 26, 2003, the evidence is convincing that the application papers were filed on November 25, 2003, and the Patent Office assigned the incorrect date to the application. Therefore, the application was entitled to a filing date of November 25, 2003.

Accordingly, the petition is **GRANTED**.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of November 25, 2003, as well as the mailing of a corrected filing receipt.

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0011.



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Encl. Print-out of United States Postal Service's website tracking results